IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 30TH MARCH,2007/9TH CHAITHRA, 1929

WP(C).No. 1 of 2007(A)

PETITIONER:

ALEYKUTTY KURIAN,
ANAKKALLUNKAL HOUSE, PAYYAPPAR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL

RESPONDENTS:
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1. THE SALE OFFICER, KERALA
CO-OPERATIVE SOCIETIES, ARBITRATION &
EXECUTION, MEENACHIL, PALA.

2. THE PALA URBAN CO-OPERATIVE BANK LTD.,
PALA, REPRESENTED BY ITS SECRETARY.

BY SR.GOVT.PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO. 1 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the notice issued by R2 dtd.7.8.2006.

Ext.P2: Copy of the sale notice issued by R1 dtd.21.12.2006.

Ext.P3: Copy of the paper news appeared in the Malayala Manorama daily dtd.16.3.2007.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

W.P.(C) NO. 1 OF 2007 - A

Dated this the 30th day of March, 2007

J U D G M E N T

The petitioner is a defaulter in repayment of loan amounts taken from the second respondent-Bank. She now does not dispute her liability to pay the amounts due. Her claim in this writ petition is for the benefit of one time settlement scheme which is in force in the Bank.

2. Learned counsel appearing for the second respondent-Bank submits that the petitioner has now approached the Bank for one time settlement. This is not disputed by the petitioner. However, taking a lenient view, I dispose of this writ petition on the following terms:-

The petitioner shall file an application seeking the benefit of one time settlement on or before tomorrow. She shall also pay an amount of rupees one lakh within six weeks from today. If the petitioner pays that amount, the respondents shall consider the application for one time settlement and intimate to the petitioner the balance amount due after appropriate deduction in interest etc. as per one time

settlement scheme. The amount so intimated to the petitioner shall be paid in six equal monthly instalments starting from 1.6.2007. Subsequent instalments shall be paid on the first of every succeeding month. If the petitioner complies with the above direction appropriately, further coercive proceedings for recovery shall be kept in abeyance. However, if the petitioner commits default either in filing the application for one time settlement or in payment of rupees one lakh as directed above or in payment of any of the instalments as directed above in time, it would be open to the second respondent to continue the recovery proceedings now initiated without having to issue any notice or proceedings in that regard.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007